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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,577	12/20/2001	Ajay Kamalvanshi	4749-104US	1018
32294	7590	02/07/2006	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			PUENTE, EMERSON C	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,577	KAMALVANSI ET AL.	
	Examiner	Art Unit	
	Emerson C. Puente	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 November 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

This action is made **Final**.

Claims 1-21 have been examined. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-15, and 17-21 are rejected under 335 U.S.C. 103(a) as being unpatentable over US Patent No. 5,615,364 of Marks in view of US Patent No. 5,649,089 of Kilner referred hereinafter "Kilner", US Patent No. 6,411,969 of Tam, and US Patent No. 6,105,021 of Bertis.

In regards to claim 1, 9, and 17, Marks discloses a system and method for providing persistency fault tolerant data stored in a database on a device in a networked environment for an external application, the device having an active processor system and a standby processor system, the system and method comprising the following steps:

providing an identical standby copy of the active database located on the active processor system, on the standby processor system as a standby database (see column 3 lines 1-15),
monitoring the active processor for a failure (see column 3 lines 15-20),
assuming control by the standby processor system assumes control when the failure is detected (see column 3 lines 15-20),

wherein switching from the active database to the standby database is transparent to the external application (see column 2 lines 5-10).

However, Marks fails to disclose:

maintaining a checksum for each record in an active database located in the active processor system and checking the checksum during initialization; and
a magic number is kept to distinguish any tar and zipped file with the standby database.

Kilner discloses:

maintaining a checksum for each record in an active database located in the active processor system (see column 3 lines 32-40) and checking the checksum during initialization (see column 3 lines 52-60 and column 4 lines 55-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to maintain a checksum for each record in an active database located in the active processor system and check the checksum during initialization. A person of ordinary skill in the art at the time of the invention would have been motivated because Marks disclose a active and a standby database (see column 3 lines 15-25) and maintaining a checksum for each record in an active database located in the active processor system and checking the checksum during initialization, as per teaching of Kilner, enables maintenance of integrity between a active and a standby database (see column 3 lines 35-41).

Furthermore, Tam discloses:

a database backup, which is a snapshot of an entire database or parts or a database (see column 9 lines 65-67), and whether the backup is compressed or not compressed (see column 6

lines 30-35). Tam also discloses a storing a serial number (see column 6 lines 30-35), indicating a magic number to distinguish any compressed file with the standby database.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to compress files and keep a magic number to distinguish it. A person of ordinary skill in the art at the time of the invention would have been motivated because Marks is concerned with providing fault tolerance (see column 3 lines 15-25) and including a compressed database backup, which is a snapshot of an entire database or parts of a database (see column 9 lines 65-67), as per teaching Tam, provides additional fault tolerance.

Lastly, Berstis discloses:

tar and zip files are known compression files (see column 7 lines 58-60)

It would have been obvious to one of ordinary skill in the art at the time the invention was made wherein the compressed files are tar and zip files, thus indicating a magic number is kept to distinguish any tar and zipped file with the standby database. A person of ordinary skill in the art at the time of the invention would have been motivated because Tam discloses a compressing data (see column 6 lines 34-35) and tar and zip files, as per teachings of Bertis, are known compression techniques (see column 7 lines 58-60).

In regards to claim 2,10, and 18, Tam discloses

a database backup, which is a snapshot of an entire database or parts or a database (see column 9 lines 65-67), identifying tape name (signature), and whether the backup is compressed or not compressed (see column 6 lines 30-35), indicating a compressed backup copy of the database with signature on the active processor system and on the standby processor system

In regards to claim 3 and 11, Tam disclose:

recovering data from the compressed backup copy when a failure event occurs (see column 1 lines 24-26).

In regards to claim 4 and 12, Tam disclose:

recovering data from the compressed backup copy when a corruption event occurs (see column 5 lines 16-19).

In regards to claim 5, 6, 13, 14, 20, and 21, Marks discloses a database (see column 2 lines 48). Since a database is a file of records, each containing fields together with a set of functions, it is necessary and thus inherent to define a database using a predetermined format and to generate structure and metadata corresponding to the database using the definition in the predetermined format.

In regards to claim 7 and 15, Marks discloses:

accessing the database through an application program interface (see column 3 lines 5-8).

In regards to claim 19, Tam discloses:

recovering data from the compressed backup copy when a failure event or corruption event occurs (see column 1 lines 24-26 and column 5 lines 16-19).

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Kilner, Tam, and Bertis, and in further view of US Patent No. 5,317,742 of Bapat and publication “Structure of Management Information Version 2 (SMIV2)” by McCloghrie et al. referred hereinafter “McCloghrie”.

In regards to claim 8 and 16, Marks in view of Kilner, Tam, and Bertis fail to explicitly disclose:

wherein the predetermined format is Structure of Management Information version 2 (SMIv2) format.

However, Bapat discloses Structure of Management Information (SMI) is used to design the formats and templates for data structures within a database (see column 7 lines 59-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made wherein the predetermined format is Structure of Management Information (SMI) format. A person of ordinary skill in the art at the time of the invention would have been motivated because SMI is known predetermined format used to design the formats and templates for data structures within a database, as per teaching of Bapat (see column 7 lines 59-64).

Furthermore, McCloghrie discloses Structure of Management Information version 2 (SMIv2) as a current version of Structure of Management Information (see page 3 bottom paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made wherein the predetermined format is Structure of Management Information version 2 (SMIv2) format. A person of ordinary skill in the art at the time of the invention would have been motivated because Bapat discloses Structure of Management Information and structure of Management Information version 2 (SMIv2) is a more current up to date version of Structure of Management Information, as per teaching of McCloghrie.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ecp
9/1/05

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